

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARSON INDUSTRIES, INC.,

Plaintiff,

v.

AMERICAN TECHNOLOGY

NETWORK, CORP.,

Defendant.

Case No. [14-cv-01769-NC](#)

**ORDER TO SHOW CAUSE WHY
CARSON'S SUPPLEMENTAL
MOTION FOR SUMMARY
JUDGMENT SHOULD NOT BE
GRANTED AND ATN'S EVIDENCE
EXCLUDED**

Dkt. Nos. 111, 116

By its order on October 9, 2015, this Court set a briefing schedule on a supplemental motion for summary judgment by plaintiff Carson. Dkt. No. 111. Carson filed its motion as scheduled. Dkt. No. 116. ATN's opposition was due October 23. To date, ATN has not filed a response, a statement of non-opposition, or a motion requesting leave to modify the schedule. If ATN does not respond by tomorrow, October 28, it is forewarned that the Court may grant Carson's motion.

In the same order, the Court required ATN to identify by October 23 the evidence (expected witness testimony and proposed trial exhibits) that supports the proposition that it returned 419 (rather than 327) goggle units to Carson. Again, no response has been filed. If ATN does not respond by tomorrow, October 28, it is forewarned that the Court may exclude ATN's evidence.

IT IS SO ORDERED.

Dated: October 27, 2015


NATHANAEL M. COUSINS
United States Magistrate Judge

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